

AMENDED IN ASSEMBLY MAY 6, 2008

AMENDED IN ASSEMBLY JUNE 20, 2007

AMENDED IN ASSEMBLY APRIL 19, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

Assembly Constitutional Amendment

No. 1

Introduced by Assembly Members ~~Price and Nunez~~ Member Nunez

December 4, 2006

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California ~~an amendment to a partial revision of the Constitution of the State, by amending Sections 5, 8, and 10 of, and adding Section 2.5 to, Article IV thereof, by amending Section 7 of Article XX thereof, and by repealing and adding Article XXI thereof, relating to redistricting; the creation of a redistricting commission, terms of Members of the Legislature, and campaign reform.~~

LEGISLATIVE COUNSEL'S DIGEST

ACA 1, as amended, ~~Price Nunez. Elections.~~ *Legislative reform: redistricting, term limits, and campaign contributions.*

(1) *Existing provisions of the California Constitution prohibit a Senator from serving more than 2 terms of 4 years each and a Member of the Assembly from serving more than 3 terms of 2 years each.*

As to any person serving a term in the Legislature that commences on or after December 1, 2008, except as specified, this measure would instead prohibit the person, during his or her lifetime, from serving more than 12 years in the Senate, the Assembly, or both, in any combination of terms.

(2) *The Constitution prohibits a Member of the Legislature or a state officer, including the Governor, from accepting honoraria and requires*

the Legislature to enact laws that ban or strictly limit the acceptance of a gift by a Member of the Legislature or a state officer from any source if the acceptance of the gift might create a conflict of interest.

This measure would prohibit a Member of the Legislature or the Governor from accepting a campaign contribution from any lobbyist employer, as defined by the Political Reform Act of 1974, from May 15 until the date of enactment of a budget bill for the ensuing fiscal year.

~~The~~

(3) The California Constitution requires the Legislature, in the year following the year in which the federal census is taken at the beginning of each decade, to adjust the boundary lines of the Senate, Assembly, congressional, and State Board of Equalization districts in accordance with specified standards.

This measure would ~~assign~~ leave the responsibility for adjusting boundary lines of congressional districts to the Legislature, but would assign responsibility for adjusting boundary lines of Senate, Assembly, congressional, and State Board of Equalization districts to a commission that, ~~subject to specified conditions~~, consists of ~~11~~ 17 members, including the 9 public members of the Milton Marks “Little Hoover” Commission on California State Government Organization and Economy and 2 additional persons appointed by those 9 members 9 members selected by the Governor and 8 members selected by Members of the Legislature. It would require the Legislature to establish, by statute, procedures to ensure compliance with specified requirements for membership on the commission. The measure would also provide a prioritized list of criteria to be used by the Legislature and the commission in adjusting boundary lines of districts, including having districts of reasonably equal population and being geographically contiguous.

This measure would require the commission to hold public hearings to provide for public input and comment.

This measure would grant the Supreme Court original and exclusive jurisdiction over all challenges to a final redistricting plan adopted by the Legislature and commission and would authorize an affected elector or organization to file a petition for a writ of mandate or writ of prohibition within 45 days after the date of enactment of the final congressional redistricting plan or the date the commission certifies the final state redistricting plan for Senate, Assembly, congressional, and State Board of Equalization districts to the Secretary of State. The measure would require the Supreme Court to act expeditiously on that

petition. If the final redistricting plan is held by the court to violate the California Constitution, the United States Constitution, or federal law, this measure would require the court to provide relief as it deems appropriate.

This measure would require the Governor, in each year ending in the number zero, to include in the Governor's Budget submitted to the Legislature an amount of funding sufficient to meet the estimated operating expenses through June 30 of the next following year ending in the number 2 of the redistricting process, and would require that the necessary appropriation be made in the annual Budget Act. It would provide that commissioners are eligible for reimbursement of expenses pursuant to law.

This measure would provide a procedure to correct errors if any census tract or census block is omitted, listed more than once, not provided for, or only partially provided for, in the final redistricting plan.

This measure would also specify that, in the event that this measure and another measure or measures relating to the redistricting of Senate, Assembly, congressional, or State Board of Equalization districts, term limits, or campaign contributions during the budget process are approved by a majority of the voters at the same election and this measure receives a greater number of affirmative votes than the other measure or measures, this measure would control in its entirety and the other measure or measures would be rendered void and without any legal effect. It would specify that if this measure is approved by a majority of the voters, but does not receive a greater number of affirmative votes than the other measure or measures, this measure shall take effect to the extent permitted by law.

*Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.*

1 *WHEREAS, This measure shall be known as the "Legislative*
2 *Reform Act"; and*

3 *WHEREAS, The people of California find and declare all of the*
4 *following:*

5 *(a) Under a law enacted in 1990, a Member of the Legislature*
6 *may serve a total of 14 years, consisting of no more than 6 years*
7 *in the Assembly and no more than 8 years in the Senate;*

8 *(b) A variety of academic and public policy groups, some of*
9 *which once supported term limits, have studied the effect of term*

1 *limits in California and have concluded that our law is in need of*
2 *reform to make government work for the people;*

3 *(c) The National Conference of State Legislatures, Council of*
4 *State Governments, and State Legislative Leaders Forum issued*
5 *a report concluding that “the effects of [term limits] on*
6 *Sacramento’s policymaking processes have been more profound,”*
7 *including “a widespread sense in Sacramento that something needs*
8 *to be done soon to provide more stability and expertise to the*
9 *Legislature’s policymaking process”;*

10 *(d) Currently, term limits produce a rapid turnover of lawmakers*
11 *that fails to provide enough time for Members of the Legislature*
12 *to build leadership skills or gain expertise in making public policy.*
13 *Term limits also inhibit Members of the Legislature from forming*
14 *working relationships across party lines that are necessary to*
15 *reduce partisan gridlock in the Legislature;*

16 *(e) Redistricting has a direct effect upon the ability of the*
17 *residents of California to be fairly represented in the Legislature;*

18 *WHEREAS, It is the intent of the people of the State of*
19 *California, in making the constitutional changes described above,*
20 *to make the Legislature more effective and to increase the public’s*
21 *confidence in their elected representatives by reducing the number*
22 *of years that new Members may serve in the Legislature but*
23 *increasing the time they may spend in one house, changing the*
24 *redistricting process to prevent partisan gridlock, and prohibiting*
25 *campaign contributions to Members of the Legislature and the*
26 *Governor during the budget process; now, therefore, be it*

27 *Resolved by the Assembly, the Senate concurring, That the*
28 *Legislature of the State of California at its 2007–08 Regular*
29 *Session commencing on the fourth day of December 2006,*
30 *two-thirds of the membership of each house concurring, hereby*
31 *proposes to the people of the State of California, that the*
32 *Constitution of the State be ~~amended~~ revised as follows:*

33 *First—That Section 2.5 is added to Article IV thereof, to read:*

34 *SEC. 2.5. (a) (1) The Senate has a membership of 40 Senators*
35 *elected for four-year terms, 20 to begin every two years.*

36 *(2) The Assembly has a membership of 80 members elected for*
37 *two-year terms.*

38 *(3) The term of a Senator or a Member of the Assembly shall*
39 *commence on the first Monday in December next following his or*
40 *her election.*

1 (4) (A) *Except as described in subparagraphs (B) and (C),*
2 *during his or her lifetime a person shall not be eligible to be elected*
3 *to a term in the Senate or the Assembly if by serving the term he*
4 *or she would exceed 12 years of service in the Senate, the*
5 *Assembly, or both, in any combination of terms.*

6 (B) *A person who was elected to a term in the Senate that*
7 *commences on December 1, 2008, or is serving in the Senate on*
8 *that date, may serve a total of two terms in the Senate, even if the*
9 *person will thereby serve more than 12 years in the Legislature.*

10 (C) *A person who was elected to a term in the Assembly that*
11 *commences on December 1, 2008, may serve a total of three terms*
12 *in the Assembly, even if the person will thereby serve more than*
13 *12 years in the Legislature.*

14 (b) (1) *Except as provided in paragraph (2), this section shall*
15 *apply to any person serving a term in the Senate or the Assembly*
16 *commencing on or after December 1, 2008.*

17 (2) *A person who served all or part of a term in the Senate or*
18 *the Assembly prior to December 1, 2008, but who is not either*
19 *elected to a term in either office that commences on that date or*
20 *serving in the Senate on that date, shall be subject instead to the*
21 *provisions of Section 2.*

22 (c) *Members of the Assembly shall be elected on the first*
23 *Tuesday after the first Monday in November of even-numbered*
24 *years unless otherwise prescribed by the Legislature. Senators*
25 *shall be elected at the same time and places as Members of the*
26 *Assembly.*

27 (d) *A person is ineligible to be a Member of the Legislature*
28 *unless the person is an elector and has been a resident of the*
29 *legislative district for one year, and a citizen of the United States*
30 *and a resident of California for three years, immediately preceding*
31 *the election, and service of the full term of office to which the*
32 *person is seeking to be elected would not exceed the maximum*
33 *years of service permitted by subdivisions (a) and (b) of this section*
34 *and Section 7 of Article XX.*

35 (e) *When a vacancy occurs in the Legislature the Governor*
36 *immediately shall call an election to fill the vacancy.*

37 *Second—That Section 5 of Article IV thereof is amended to read:*

38 SEC. 5. (a) Each house shall judge the qualifications and
39 elections of its Members and, by rollcall vote entered in the journal,

1 ~~two-thirds~~ *two-thirds* of the membership concurring, may expel a
2 Member.

3 (b) No Member of the Legislature may accept any honorarium.
4 The Legislature shall enact laws that implement this subdivision.

5 (c) The Legislature shall enact laws that ban or strictly limit the
6 acceptance of a gift by a Member of the Legislature from any
7 source if the acceptance of the gift might create a conflict of
8 interest.

9 (d) No Member of the Legislature may knowingly accept any
10 compensation for appearing, agreeing to appear, or taking any
11 other action on behalf of another person before any state
12 government board or agency. If a Member knowingly accepts any
13 compensation for appearing, agreeing to appear, or taking any
14 other action on behalf of another person before any local
15 government board or agency, the Member may not, for a period
16 of one year following the acceptance of the compensation, vote
17 upon or make, participate in making, or in any way attempt to use
18 his or her official position to influence an action or decision before
19 the Legislature, other than an action or decision involving a bill
20 described in subdivision (c) of Section 12 ~~of this article~~, which he
21 or she knows, or has reason to know, would have a direct and
22 significant financial impact on that person and would not impact
23 the public generally or a significant segment of the public in a
24 similar manner. As used in this subdivision, “public generally”
25 includes an industry, trade, or profession. However, a Member
26 may engage in activities involving a board or agency which are
27 strictly on his or her own behalf, appear in the capacity of an
28 attorney before any court or the Workers’ Compensation Appeals
29 Board, or act as an advocate without compensation or make an
30 inquiry for information on behalf of a person before a board or
31 agency. This subdivision does not prohibit any action of a
32 partnership or firm of which the Member is a member if the
33 Member does not share directly or indirectly in the fee, less any
34 expenses attributable to that fee, resulting from that action.

35 (e) The Legislature shall enact laws that prohibit a Member of
36 the Legislature whose term of office commences on or after
37 December 3, 1990, from lobbying, for compensation, as governed
38 by the Political Reform Act of 1974, before the Legislature for 12
39 months after leaving office.

(f) The Legislature shall enact new laws, and strengthen the enforcement of existing laws, prohibiting Members of the Legislature from engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities. However, the people reserve to themselves the power to implement this requirement pursuant to Article II.

(g) *Neither a Member of the Legislature nor the Governor shall accept a contribution from any lobbyist employer, as defined by the Political Reform Act of 1974, from May 15 until the date of enactment of a budget bill for the ensuing fiscal year.*

Third—That Section 8 of Article IV thereof is amended to read:

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, ~~three fourths~~ *three-fourths* of the membership concurring.

(b) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on ~~3~~ *three* days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, ~~two-thirds~~ *two-thirds* of the membership concurring. No bill may be passed until the bill with amendments has been printed and distributed to the members. No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) (1) Except as provided in paragraphs (2) and (3) ~~of this subdivision~~, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) A statute, other than a statute establishing or changing boundaries of any ~~legislative, congressional, or other election~~ district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to

1 subdivision (d) of Section 10 of Article II, in which event the
2 statute shall go into effect on the 91st day after the enactment date
3 unless the petition has been presented to the Secretary of State
4 pursuant to subdivision (b) of Section 9 of Article II.

5 (3) Statutes calling elections, statutes providing for tax levies
6 or appropriations for the usual current expenses of the State, and
7 urgency statutes shall go into effect immediately upon their
8 enactment.

9 (d) Urgency statutes are those necessary for immediate
10 preservation of the public peace, health, or safety. A statement of
11 facts constituting the necessity shall be set forth in one section of
12 the bill. In each house the section and the bill shall be passed
13 separately, each by rollcall vote entered in the journal, ~~two-thirds~~
14 *two-thirds* of the membership concurring. An urgency statute may
15 not create or abolish any office or change the salary, term, or duties
16 of any office, or grant any franchise or special privilege, or create
17 any vested right or interest.

18 *Fourth—That Section 10 of Article IV thereof is amended to*
19 *read:*

20 SEC. 10. (a) Each bill passed by the Legislature shall be
21 presented to the Governor. It becomes a statute if it is signed by
22 the Governor. The Governor may veto it by returning it with any
23 objections to the house of origin, which shall enter the objections
24 in the journal and proceed to reconsider it. If each house then
25 passes the bill by rollcall vote entered in the journal, two-thirds of
26 the membership concurring, it becomes a statute.

27 (b) (1) Any bill, other than a bill which would establish or
28 change boundaries of any ~~legislative, congressional, or other~~
29 ~~election~~ district, passed by the Legislature on or before the date
30 the Legislature adjourns for a joint recess to reconvene in the
31 second calendar year of the biennium of the legislative session,
32 and in the possession of the Governor after that date, that is not
33 returned within 30 days after that date becomes a statute.

34 (2) Any bill passed by the Legislature before September 1 of
35 the second calendar year of the biennium of the legislative session
36 and in the possession of the Governor on or after September 1 that
37 is not returned on or before September 30 of that year becomes a
38 statute.

39 (3) Any other bill presented to the Governor that is not returned
40 within 12 days becomes a statute.

1 (4) If the Legislature by adjournment of a special session
2 prevents the return of a bill with the veto message, the bill becomes
3 a statute unless the Governor vetoes the bill within 12 days after
4 it is presented by depositing it and the veto message in the office
5 of the Secretary of State.

6 (5) If the 12th day of the period within which the Governor is
7 required to perform an act pursuant to paragraph (3) or (4) ~~of this~~
8 ~~subdivision~~ is a Saturday, Sunday, or holiday, the period is
9 extended to the next day that is not a Saturday, Sunday, or holiday.

10 (c) Any bill introduced during the first year of the biennium of
11 the legislative session that has not been passed by the house of
12 origin by January 31 of the second calendar year of the biennium
13 may no longer be acted on by the house. No bill may be passed
14 by either house on or after September 1 of an even-numbered year
15 except statutes calling elections, statutes providing for tax levies
16 or appropriations for the usual current expenses of the State, and
17 urgency statutes, and bills passed after being vetoed by the
18 Governor.

19 (d) The Legislature may not present any bill to the Governor
20 after November 15 of the second calendar year of the biennium of
21 the legislative session.

22 (e) The Governor may reduce or eliminate one or more items
23 of appropriation while approving other portions of a bill. The
24 Governor shall append to the bill a statement of the items reduced
25 or eliminated with the reasons for the action. The Governor shall
26 transmit to the house originating the bill a copy of the statement
27 and reasons. Items reduced or eliminated shall be separately
28 reconsidered and may be passed over the Governor's veto in the
29 same manner as bills.

30 (f) (1) If, following the enactment of the budget bill for the
31 2004–05 fiscal year or any subsequent fiscal year, the Governor
32 determines that, for that fiscal year, General Fund revenues will
33 decline substantially below the estimate of General Fund revenues
34 upon which the budget bill for that fiscal year, as enacted, was
35 based, or General Fund expenditures will increase substantially
36 above that estimate of General Fund revenues, or both, the
37 Governor may issue a proclamation declaring a fiscal emergency
38 and shall thereupon cause the Legislature to assemble in special
39 session for this purpose. The proclamation shall identify the nature
40 of the fiscal emergency and shall be submitted by the Governor

1 to the Legislature, accompanied by proposed legislation to address
2 the fiscal emergency.

3 (2) If the Legislature fails to pass and send to the Governor a
4 bill or bills to address the fiscal emergency by the 45th day
5 following the issuance of the proclamation, the Legislature may
6 not act on any other bill, nor may the Legislature adjourn for a
7 joint recess, until that bill or those bills have been passed and sent
8 to the Governor.

9 (3) A bill addressing the fiscal emergency declared pursuant to
10 this section shall contain a statement to that effect.

11 *Fifth—That Section 7 of Article XX thereof is amended to read:*

12 SEC. 7. The limitations ~~on the number of terms~~ prescribed by
13 ~~Section~~ Sections 2 and 2.5 of Article IV, Sections 2 and 11 of
14 Article V, Section 2 of Article IX, and Section 17 of Article XIII
15 apply only to terms *or years of service, as applicable*, to which
16 persons are elected or appointed on or after November 6, 1990;
17 ~~except that an incumbent Senator whose office is not on the ballot~~
18 ~~for the general election on that date may serve only one additional~~
19 ~~term.~~ Those limitations *on terms and years of service* shall not
20 apply to any unexpired term to which a person is elected or
21 appointed, *or to any years served as part of an unexpired term*, if
22 the remainder of the term is less than half of the full term.

23 ~~First—~~

24 *Sixth—That Article XXI thereof is repealed.*

25 ~~Second—~~

26 *Seventh—That Article XXI is added thereto, to read:*

27 28 ARTICLE XXI

29 Reapportionment of Senate, Assembly, Congressional, and State
30 Board of Equalization Districts

31
32 SECTION 1. (a) In the year following the year in which the
33 national census is taken under the direction of the Congress at the
34 beginning of each decade, *the boundary lines of congressional*
35 *districts shall be adjusted by the Legislature, and the boundary*
36 *lines of the Senate, Assembly, ~~congressional~~, and State Board of*
37 *Equalization districts shall be adjusted by a commission, as*
38 *established pursuant to Section 2, and in conformance with this*
39 *article. The boundary lines shall be adjusted for each type of*

1 *district pursuant to a mapping process based on the following*
2 *criteria, prioritized in the following order:*

3 *(1) Each member of the Senate, Assembly, Congress, and State*
4 *Board of Equalization shall be elected from a single-member*
5 *district.*

6 *(2) District boundary lines shall comply with all requirements*
7 *of the United States Constitution. Senate, Assembly, and State*
8 *Board of Equalization districts shall each have reasonably equal*
9 *population with other districts for the same office, in compliance*
10 *with the United States Constitution.*

11 *(3) District boundary lines shall comply with the federal Voting*
12 *Rights Act of 1965 (42 U.S.C. Sec. 1971 and following), as applied*
13 *by the Supreme Court in Wilson v. Eu (1992) 1 Cal.4th 707.*

14 *(4) District boundary lines shall be geographically contiguous.*

15 *(5) District boundary lines shall respect communities of interest*
16 *to the extent practicable. For purposes of this article, “communities*
17 *of interest” means groups of residents who share similar interests,*
18 *including, but not limited to, social, cultural, ethnic, geographic,*
19 *or economic interests, or formal governmental or*
20 *quasi-governmental relationships.*

21 *(6) District boundary lines shall respect city boundaries, county*
22 *boundaries, and visible geographic boundaries to the extent*
23 *practicable.*

24 *(7) Districts of each type shall be numbered consecutively*
25 *commencing at the northern boundary of the State and ending at*
26 *the southern boundary of the State.*

27 *(8) Districts shall be reasonably geographically compact.*

28 *(9) The place of residence of incumbents or candidates may not*
29 *be considered in the creation of a map, except to comply with any*
30 *other provision of this subdivision.*

31 *(b) The Legislature and the commission shall each establish*
32 *and implement an open and transparent process enabling full*
33 *public consideration of and comment on the drawing of district*
34 *lines, including a hearing process for input from the public in a*
35 *manner designed to achieve widespread public participation.*

36 ~~(b)~~
37 *(c) A final congressional redistricting plan that has been passed*
38 *by the Legislature and enacted into law, or a final state redistricting*
39 *plan that has been certified to the Secretary of State by the*
40 *commission pursuant to subdivision (c) of Section 3, or approved*

1 *by the Legislature pursuant to paragraph (2) of subdivision (c) of*
2 *Section 4, shall not be superseded by another plan until after the*
3 *next national census at the beginning of the next decade, unless a*
4 *court requires the State to conduct a subsequent redistricting in*
5 *order to comply with the United States Constitution or this*
6 *Constitution, or to enforce the Voting Rights Act of 1965 (42*
7 *U.S.C. Sec. 1973 and following); determines that a final*
8 *redistricting plan violates this constitution, the Constitution of the*
9 *United States, or other federal law, or unless all or part of a final*
10 *redistricting plan is disapproved by referendum.*

11 *(d) The Legislature shall issue with the final congressional*
12 *redistricting plan and the commission shall issue with the final*
13 *state redistricting plan a report regarding compliance with the*
14 *criteria listed in subdivision (a) that explains the basis on which*
15 *the Legislature or commission made its decisions, particularly in*
16 *cases where compliance with one criterion resulted in less than*
17 *full compliance with another criterion. The Legislature and the*
18 *commission shall each include in their respective reports*
19 *definitions of the terms and standards used in drawing the maps.*

20 *(e) The Legislature shall have sole standing in legal actions*
21 *regarding the final congressional redistricting plan, and shall*
22 *have sole authority to determine whether the Attorney General or*
23 *legal counsel hired or selected by the Legislature shall represent*
24 *the people of the State in the legal defense of the final*
25 *congressional redistricting plan. The commission shall have sole*
26 *standing in legal actions regarding the final state redistricting*
27 *plan, and shall have sole authority to determine whether the*
28 *Attorney General or legal counsel hired or selected by the*
29 *commission shall represent the people of the State in the legal*
30 *defense of the final state redistricting plan.*

31 ~~(e)~~

32 *(f) For purposes of this article, “day” means a calendar day,*
33 *except that if the final day of a period within which an act is to be*
34 *performed is a Saturday, Sunday, or holiday, the period is extended*
35 *to the next day that is not a Saturday, Sunday, or holiday.*

36 ~~SEC. 2. (a) Subject to subdivisions (b) to (f), inclusive, the~~
37 ~~commission shall consist of 11 members as follows:~~

38 ~~(1) The nine persons who, as of January 1 of the year following~~
39 ~~the year in which the national census is taken under the direction~~
40 ~~of Congress at the beginning of each decade, are the public~~

1 ~~members of the Milton Marks “Little Hoover” Commission on~~
2 ~~California State Government Organization and Economy (hereafter~~
3 ~~the Little Hoover Commission), as appointed pursuant to Section~~
4 ~~8501 of the Government Code as that statute read on January 1,~~
5 ~~2007.~~

6 ~~(2) Two persons, who are not registered with either of the two~~
7 ~~largest political parties in the State based on statewide voter~~
8 ~~registration, shall be selected by the nine members specified in~~
9 ~~paragraph (1). Each selection shall be made by seven or more~~
10 ~~affirmative votes.~~

11 ~~(b) All of the following shall apply to the commission:~~

12 ~~(1) The commission shall be representative of this State’s~~
13 ~~diversity, including, but not limited to, racial, ethnic, geographic,~~
14 ~~and gender diversity. No more than two commission members~~
15 ~~may reside in the same county.~~

16 ~~(2) Each commission member shall be registered to vote in this~~
17 ~~State, and shall have been continuously registered with the same~~
18 ~~political party, or been registered as unaffiliated with a political~~
19 ~~party, for three or more years immediately preceding his or her~~
20 ~~appointment.~~

21 ~~(3) Each commission member shall commit to applying this~~
22 ~~article in an honest, independent, and impartial fashion and to~~
23 ~~upholding public confidence in the integrity of the redistricting~~
24 ~~process.~~

25 ~~(c) The nine members of the commission specified in paragraph~~
26 ~~(1) of subdivision (a) shall consist of four persons registered with~~
27 ~~the largest political party in the State based on statewide voter~~
28 ~~registration, four persons registered with the second largest political~~
29 ~~party in the State based on statewide voter registration, and one~~
30 ~~person, appointed to the Little Hoover Commission by the~~
31 ~~Governor, who is not registered with either of those two political~~
32 ~~parties.~~

33 ~~(d) The Legislature shall establish, by statute, the procedures~~
34 ~~necessary to provide that nine public members are appointed to~~
35 ~~the Little Hoover Commission in a manner that ensures compliance~~
36 ~~with subdivisions (b) and (c).~~

37 ~~(e) A member of the commission shall be ineligible during his~~
38 ~~or her term of office, or for three years following the adoption by~~
39 ~~the commission of a final redistricting plan, whichever is of longer~~
40 ~~duration, to do any of the following:~~

1 ~~(1) Hold elective public office in this State.~~

2 ~~(2) Hold appointive public office for which an elected state~~
3 ~~official or any officer or entity within the Legislature has~~
4 ~~appointing authority, and for which economic consideration is~~
5 ~~provided, other than reimbursement for reasonable expenses.~~

6 ~~(3) Register as a lobbyist in this State.~~

7 ~~(f) In addition to removal as provided for in subdivision (a) of~~
8 ~~Section 8501 of the Government Code, as that statute read on~~
9 ~~January 1, 2007, the Governor may request in writing, or either~~
10 ~~house of the Legislature may request by resolution, that a member~~
11 ~~of the commission be removed for substantial neglect of duty,~~
12 ~~gross misconduct in office, or inability to discharge the duties of~~
13 ~~his or her office. After having been served written notice of the~~
14 ~~request for removal and having been provided with an opportunity~~
15 ~~for a response, a member of the commission may be removed by~~
16 ~~rolleall vote entered in the journal, two-thirds of the membership~~
17 ~~of each house of the Legislature concurring. In the event of a~~
18 ~~removal from the commission or other vacancy, the respective~~
19 ~~appointing authority shall appoint another person to fill the vacancy~~
20 ~~subject to the same qualifications and conditions that applied to~~
21 ~~the appointment of the member who is being replaced.~~

22 ~~SEC. 3. (a) In carrying out its duties under this article, the~~
23 ~~commission is subject to all of the following:~~

24 ~~(1) The members of the commission shall, by eight or more~~
25 ~~affirmative votes, select one member to serve as the chair and~~
26 ~~another member to serve as the vice chair. The vice chair shall not~~
27 ~~be of the same political party as the chair.~~

28 ~~(2) Eight members of the commission, one of whom may be~~
29 ~~the chair or vice chair, shall constitute a quorum.~~

30 ~~(3) Eight or more affirmative votes shall be required for any~~
31 ~~official action. The eight or more affirmative votes approving a~~
32 ~~final map shall include at least three votes of members registered~~
33 ~~from each of the two largest political parties in the State based on~~
34 ~~statewide voter registration.~~

35 ~~(4) The commission shall comply with the Bagley-Keene Open~~
36 ~~Meeting Act (Article 9 (commencing with Section 11120) of~~
37 ~~Division 3 of Title 2 of the Government Code), or its successor~~
38 ~~statute. The commission shall provide not less than 14 days' public~~
39 ~~notice for each meeting.~~

1 ~~(5) The records of the commission pertaining to redistricting,~~
2 ~~and all data considered by the commission for the purpose of~~
3 ~~redistricting, are subject to the California Public Records Act~~
4 ~~(Chapter 3.5 (commencing with Section 6250) of Division 7 of~~
5 ~~Title 1 of the Government Code), or its successor statute, and are~~
6 ~~open to inspection by members of the public upon request as~~
7 ~~provided by the act.~~

8 ~~(6) Any written or verbal communication with a commission~~
9 ~~member outside of a public hearing, other than by staff or by legal~~
10 ~~counsel, is prohibited as to any matter on which the commission~~
11 ~~is required to meet pursuant to paragraph (4), except for a written~~
12 ~~communication for which public disclosure is promptly made~~
13 ~~pursuant to standards adopted by the commission. This subdivision~~
14 ~~does not prohibit any communication between commission~~
15 ~~members that is permitted by the Bagley-Keene Open Meeting~~
16 ~~Act, or its successor statute, to occur outside of a public hearing.~~

17 ~~(b) The duties of the commission include all of the following:~~

18 ~~(1) Hiring or contracting with commission staff, legal counsel,~~
19 ~~and consultants, as appropriate, to assist the commission in~~
20 ~~performing its duties pursuant to this article. Any individual hired~~
21 ~~to provide that assistance shall be exempt from the civil service~~
22 ~~requirements of Article VII. For purposes of this paragraph, the~~
23 ~~commission shall establish clear criteria for hiring and removal~~
24 ~~and contracting, and shall also establish communication protocols~~
25 ~~and a code of conduct. The commission shall make hiring or~~
26 ~~contracting decisions on staff, legal counsel, and consultants by a~~
27 ~~vote of the commission as prescribed by paragraph (3) of~~
28 ~~subdivision (a) for the approval of a final map.~~

29 ~~(2) Establishing Senate, Assembly, congressional, and State~~
30 ~~Board of Equalization districts pursuant to a mapping process for~~
31 ~~each district based on the following criteria, prioritized according~~
32 ~~to the following order:~~

33 ~~(A) Each member of the Senate, Assembly, Congress, and State~~
34 ~~Board of Equalization shall be elected from a single-member~~
35 ~~district.~~

36 ~~(B) District boundary lines shall comply with all requirements~~
37 ~~of the United States Constitution. Senate, Assembly, congressional,~~
38 ~~and State Board of Equalization districts shall each have equal~~
39 ~~population with other districts for the same office, except as~~
40 ~~otherwise required or permitted by judicial decision.~~

1 ~~(C) District boundary lines shall comply with the federal Voting~~
2 ~~Rights Act of 1965 (42 U.S.C. Sec. 1971 and following), as applied~~
3 ~~by the Supreme Court in Wilson v. Eu (1992) 1 Cal.4th 707. For~~
4 ~~purposes of compliance with that act, voter history and registration~~
5 ~~and other relevant data may be considered.~~

6 ~~(D) District boundary lines shall be geographically contiguous.~~

7 ~~(E) District boundary lines shall respect communities of interest~~
8 ~~to the extent practicable. “Communities of interest” means groups~~
9 ~~of residents who share similar interests, including, but not limited~~
10 ~~to, social, cultural, ethnic, geographic, or economic interests, or~~
11 ~~formal governmental or quasi-governmental relationships, but not~~
12 ~~including relationships with political parties, incumbents, or~~
13 ~~candidates.~~

14 ~~(F) District boundary lines shall respect city boundaries, county~~
15 ~~boundaries, and visible geographic boundaries to the extent~~
16 ~~practicable.~~

17 ~~(G) Districts of each type shall be numbered consecutively~~
18 ~~commencing at the northern boundary of the State and ending at~~
19 ~~the southern boundary of the State.~~

20 ~~(H) Districts shall be reasonably geographically compact.~~

21 ~~(I) The place of residence of incumbents or candidates may not~~
22 ~~be considered in the creation of a map, except to comply with~~
23 ~~another provision of this paragraph (2).~~

24 ~~(3) Establishing and implementing a hearing process for public~~
25 ~~input. The public hearing process shall include at least the~~
26 ~~following three stages: (A) hearings to receive public input before~~
27 ~~the commission draws any maps, (B) hearings following the~~
28 ~~drawing and display of commission maps, and (C) hearings~~
29 ~~following the drawing and display of the proposed final maps. At~~
30 ~~stages (B) and (C), the commission shall display the map or maps~~
31 ~~created for public comment, in a manner designed to achieve the~~
32 ~~widest public dissemination reasonably possible. Public comment~~
33 ~~shall be taken for at least 30 days from the date of public display~~
34 ~~unless the commission determines that a comment period of this~~
35 ~~duration is not practicable. The Senate, Assembly, Congress, the~~
36 ~~State Board of Equalization, other officeholders, counties, and~~
37 ~~cities may make recommendations on the record to the commission,~~
38 ~~which shall be considered by the commission.~~

39 ~~(e) The commission shall establish the boundaries of final maps~~
40 ~~for Senate, Assembly, congressional, and State Board of~~

1 Equalization districts. Upon approval, the commission shall certify
2 those districts to the Secretary of State. The final redistricting plan
3 shall be subject to referendum in the same manner as a statute is
4 subject to referendum under Section 9 of Article II. The date of
5 certification to the Secretary of State shall be deemed the enactment
6 date for purposes of Section 9 of Article II.

7 (d) ~~The commission shall issue with its final maps a report~~
8 ~~regarding compliance with the criteria listed in paragraph (2) of~~
9 ~~subdivision (b) that explains the basis on which the commission~~
10 ~~made its decisions, particularly in cases where compliance with~~
11 ~~one criterion resulted in less than full compliance with another~~
12 ~~criterion. The commission shall include in its report definitions of~~
13 ~~the terms and standards used in drawing the maps.~~

14 SEC. 4. (a) (1) ~~In each year ending in the number zero, the~~
15 ~~Governor shall include, in the Governor's Budget submitted to the~~
16 ~~Legislature pursuant to Section 12 of Article IV, an amount of~~
17 ~~funding sufficient to meet the estimated expenses through June 30~~
18 ~~of the next following year ending in the number two of the~~
19 ~~subsequent redistricting process occurring pursuant to this article.~~
20 ~~The necessary appropriation for this purpose shall be made in the~~
21 ~~annual budget act as a continuous appropriation that is available~~
22 ~~for expenditure during the entire two-year period.~~

23 (2) ~~For every fiscal year not subject to an appropriation made~~
24 ~~under paragraph (1), the Governor shall include, in the Governor's~~
25 ~~Budget submitted to the Legislature pursuant to Section 12 of~~
26 ~~Article IV, an amount of funding sufficient to meet for that fiscal~~
27 ~~year any additional estimated expenses of the redistricting process~~
28 ~~occurring pursuant to this article. The necessary appropriation for~~
29 ~~this purpose shall be made in the annual budget act.~~

30 (b) ~~The commission has standing in legal actions regarding the~~
31 ~~final redistricting plan or regarding whether funds or other~~
32 ~~resources provided for the operation of the commission are~~
33 ~~adequate. The commission has sole authority to determine whether~~
34 ~~the Attorney General or legal counsel hired or selected by the~~
35 ~~commission shall represent the people of the State in the~~
36 ~~commission's legal defense of the final redistricting plan.~~

37 (c) (1) ~~The Supreme Court has original and exclusive~~
38 ~~jurisdiction in all proceedings in which the final redistricting plan~~
39 ~~adopted by the commission is challenged.~~

~~(2) Any affected elector may file a petition for a writ of mandate or writ of prohibition to challenge the final redistricting plan within 45 days after the commission has certified that plan to the Secretary of State pursuant to subdivision (c) of Section 3, to bar the Secretary of State from implementing the final redistricting plan on the grounds that the filed plan violates this Constitution, the United States Constitution, or any federal statute.~~

~~(3) The court shall act expeditiously on a petition filed under paragraph (2). If the court determines that the final redistricting plan adopted pursuant to this article violates this Constitution, the United States Constitution, or any federal statute, the court shall fashion the relief that it deems appropriate.~~

~~SEC. 5. (a) Members of the commission are eligible for reimbursement of reasonable expenses incurred in connection with the duties performed for the commission pursuant to law. For purposes of the reimbursement of expenses, a commission member's residence is deemed to be the member's post of duty.~~

~~(b) The commission shall not meet or incur expenses after a final redistricting plan is approved and certified pursuant to subdivision (c) of Section 3, except with respect to any pending litigation or government approval concerning the final redistricting plan, or to revise districts if required by court order or if the number of Senate, Assembly, congressional, or State Board of Equalization districts is changed, or if the final redistricting plan is rejected by the electors pursuant to referendum.~~

~~SEC. 2. (a) In accordance with subdivisions (b) to (g), inclusive, the commission shall consist of 17 members as follows:~~

~~(1) Nine members selected by lot by the Governor from pools of qualified nominees established by a panel of sitting and retired judges and justices established pursuant to statute, three of whom shall be registered with the State's largest qualified political party based on statewide voter registration, three of whom shall be registered with the State's second largest qualified political party based on statewide voter registration, and three of whom shall not be registered with either of the State's two largest qualified political parties based on statewide voter registration.~~

~~(2) Eight members selected by the President pro Tempore of the Senate, the Minority Floor Leader of the Senate, the Speaker of the Assembly, and the Minority Floor Leader of the Assembly.~~

1 *Each legislative leader shall select persons of the same political*
2 *party as that leader.*

3 *(b) Each commission member shall commit to applying this*
4 *article in an honest, independent, and impartial fashion and to*
5 *upholding public confidence in the integrity of the redistricting*
6 *process.*

7 *(c) Efforts shall be made to assure that commission members*
8 *are individuals with a high degree of competency who possess the*
9 *knowledge, experience, skills, and ability to carry out the*
10 *responsibilities of the commission.*

11 *(d) Each commission member shall be registered to vote in this*
12 *State, and shall have been continuously registered with the same*
13 *qualified political party, or registered as declining to state a*
14 *political party affiliation, for three or more years immediately*
15 *preceding his or her application or selection.*

16 *(e) The panel of judges and justices, pools of qualified nominees,*
17 *and members of the commission shall be representative of this*
18 *State's diversity, including, but not limited to, racial, ethnic,*
19 *geographic, and gender diversity. However, it is not intended that*
20 *formulas or specific ratios shall be applied for this purpose.*

21 *(f) (1) Subject to paragraphs (2) and (3), the term of office of*
22 *each member of the commission expires upon the later of the*
23 *certification of the final state redistricting plan by the commission*
24 *or the conclusion of any litigation regarding that plan, but in no*
25 *event later than the deadline for the commission to certify the final*
26 *state redistricting plan pursuant to subdivision (c) of Section 3.*

27 *(2) The Governor may request in writing, or either house of the*
28 *Legislature may request by adoption of a house resolution, that a*
29 *member of the commission be removed for substantial neglect of*
30 *duty, gross misconduct in office, or the inability to discharge the*
31 *duties of his or her office. After having been provided both written*
32 *notice of the request for removal and an opportunity for a response,*
33 *a member of the commission may be removed by the Legislature*
34 *by rollcall vote entered in the journal, two-thirds of the membership*
35 *of each house concurring. If a member is so removed, resigns, or*
36 *is otherwise unable to serve his or her term of office, the authority*
37 *who selected that member shall select another person to fill the*
38 *vacancy subject to the same qualifications and conditions that*
39 *applied to the selection of the member being replaced.*

1 (3) *Except with respect to any pending litigation or government*
2 *approval concerning the final state redistricting plan, the*
3 *commission shall not reconvene or incur expenses after a final*
4 *state redistricting plan is approved and certified pursuant to*
5 *subdivision (c) of Section 3. However, reconvening the commission*
6 *shall not extend the length of any period of ineligibility pursuant*
7 *to subdivision (g).*

8 (g) *A member of the commission shall be ineligible during his*
9 *or her term of office, and for a period of three years thereafter, to*
10 *do any of the following:*

11 (1) *Hold elected public office in this State.*

12 (2) *Hold an appointed public office over which an elected state*
13 *official or any officer or entity within the Legislature has*
14 *appointing authority if economic consideration other than per*
15 *diem and reimbursement for reasonable expenses is provided for*
16 *service in the public office.*

17 (3) *Register as a lobbyist in this State.*

18 SEC. 3. (a) *Except as otherwise provided in this article, 12*
19 *members of the commission, one of whom may be the chairperson*
20 *or vice chairperson, shall constitute a quorum and 12 or more*
21 *affirmative votes shall be required for any official action.*

22 (b) *The commission shall hire or contract with commission staff,*
23 *legal counsel, and consultants, as appropriate, to assist the*
24 *commission in performing its duties pursuant to this article. Any*
25 *individual hired to provide that assistance shall be exempt from*
26 *the civil service requirements of Article VII. For purposes of this*
27 *subdivision, the commission shall establish clear criteria for the*
28 *hiring and removal and contracting of staff, legal counsel, and*
29 *consultants, and shall also establish communication protocols and*
30 *a code of conduct. The criteria established by the commission shall*
31 *give preference to the use of existing state resources, and shall*
32 *require that at least one of the legal counsel hired by the*
33 *commission has demonstrated extensive experience and expertise*
34 *in implementation and enforcement of the federal Voting Rights*
35 *Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission*
36 *shall make hiring, removal, or contracting decisions on staff, legal*
37 *counsel, and consultants by 12 or more affirmative votes, including*
38 *at least 6 affirmative votes of members selected pursuant to*
39 *paragraph (1) of subdivision (a) of Section 2 and 6 affirmative*
40 *votes of members selected pursuant to paragraph (2) of that*

1 subdivision. Until the commission completes its hiring or
2 contracting decisions, the Legislature shall provide the commission
3 with bipartisan staff, legal counsel, and consultants, as
4 appropriate, to assist the commission in performing its duties
5 pursuant to this article.

6 (c) The commission shall establish the boundaries for Senate,
7 Assembly, and State Board of Equalization districts in a separate
8 map for each type of district. The map for each type of district
9 shall be separately approved by 12 or more affirmative votes,
10 including at least 6 affirmative votes of members selected pursuant
11 to paragraph (1) of subdivision (a) of Section 2 and 6 affirmative
12 votes of members selected pursuant to paragraph (2) of that
13 subdivision. Upon the separate approval of all three maps and on
14 or before a date established by statute by the Legislature, the
15 commission shall certify the districts shown on the approved final
16 maps to the Secretary of State as the final state redistricting plan.
17 Each map in the final state redistricting plan shall be subject to
18 referendum in the same manner as a statute is subject to
19 referendum under Section 9 of Article II. The date of certification
20 to the Secretary of State shall be deemed the enactment date for
21 purposes of Section 9 of Article II.

22 (d) The commission shall make the determination pursuant to
23 subdivision (e) of Section 1 by 12 or more affirmative votes,
24 including at least 6 affirmative votes by members selected pursuant
25 to paragraph (1) of subdivision (a) of Section 2 and 6 affirmative
26 votes of members selected pursuant to paragraph (2) of that
27 subdivision.

28 (e) For the purposes of conducting hearings pursuant to
29 subdivision (b) of Section 1, nine members of the commission, one
30 of whom may be the chairperson or vice chairperson, shall
31 constitute a quorum and any official action shall require the
32 affirmative votes of a majority of the members present and voting.

33 SEC. 4. (a) (1) The Supreme Court has original and exclusive
34 jurisdiction in all proceedings in which the final congressional
35 redistricting plan adopted by the Legislature or the final state
36 redistricting plan adopted by the commission is challenged.

37 (2) Any affected elector or organization may file a petition for
38 a writ of mandate or writ of prohibition to challenge the final
39 congressional redistricting plan, or the final state redistricting
40 plan, within 45 days after the final congressional redistricting

1 plan has been passed by the Legislature and enacted into law
2 pursuant to Section 1 or the commission has certified the final
3 state redistricting plan to the Secretary of State pursuant to
4 subdivision (c) of Section 3, to bar the Secretary of State from
5 implementing a final redistricting plan on the grounds that the
6 final redistricting plan violates this Constitution, the United States
7 Constitution, or any federal statute.

8 (3) The court shall act expeditiously on a petition filed under
9 paragraph (2).

10 (b) If a final congressional redistricting plan is not enacted
11 pursuant to Section 1, or the commission fails to certify a final
12 state redistricting plan, by the deadline specified pursuant to
13 subdivision (c) of Section 3, or a final redistricting plan or any
14 map that is part of a plan is stayed by a referendum petition
15 certified by the Secretary of State, or if the Supreme Court or a
16 federal court determines that a final redistricting plan or any part
17 of the plan violates this Constitution, the United States
18 Constitution, or other federal law, the court shall establish a new
19 or modified redistricting plan, using the criteria established in
20 subdivision (a) of Section 1. If the court establishes a new or
21 modified state redistricting plan, the court's order shall thereupon
22 apply until the effective date of the state redistricting plan certified
23 by a new commission created pursuant to subdivision (c), or until
24 and including the last statewide election occurring in the next year
25 ending in the number zero, whichever occurs first.

26 (c) (1) Except as provided in paragraph (2), on or before a
27 date established by statute by the Legislature in the next
28 odd-numbered year following a year in which a state redistricting
29 plan established by a court was used for elections or the final state
30 redistricting plan or any map that is part of the plan was
31 disapproved by referendum, a new commission shall be formed
32 and shall adopt a new state redistricting plan that shall apply to
33 elections occurring from the first statewide primary election
34 occurring following the formation of the commission until and
35 including the last statewide election occurring in the next year
36 ending in the number zero. The formation of the new commission
37 and adoption of a new state redistricting plan shall follow the
38 procedures and requirements prescribed by this article.

39 (2) Prior to the adoption of a final state redistricting plan
40 pursuant to paragraph (1) and on or before a date established by

1 statute, the Legislature may approve a court-ordered plan as the
2 final state redistricting plan, which would thereupon continue in
3 effect until and including the statewide elections occurring in the
4 next year ending in the number zero, by adoption in each house
5 of a concurrent resolution, by rollcall vote entered in the journal,
6 two-thirds of the membership concurring. If the concurrent
7 resolution is approved by the Legislature prior to the formation
8 of the commission, the commission shall not be formed. If the
9 Legislature so approves the court's order after the commission
10 has been formed, the commission shall be dissolved.

11 SEC. 5. (a) The Legislature may, by statute, implement and
12 enforce the provisions of this article. Any such statute must further
13 the purposes of this article, and the bill enacting that statute shall
14 either:

15 (1) Be passed in each house by rollcall vote entered in the
16 journal, two-thirds of the membership concurring, and signed by
17 the Governor, if at least 12 days prior to passage in each house
18 the bill in its final form was made available to the public.

19 (2) Become effective only when approved by the electors.

20 (b) A statute enacted pursuant to this section shall not take effect
21 in a year ending in either the number zero or one.

22 SEC. 6. (a) If, in the final congressional redistricting plan or
23 final state redistricting plan adopted pursuant to this article, any
24 census tract or census block is omitted, listed more than once, not
25 provided for, or only partially provided for, the Secretary of State
26 and the elections official of the affected county, ~~in order to~~ shall
27 define the location of the district boundaries, ~~shall use~~ using the
28 maps ~~prepared~~ adopted by the Legislature pursuant to Section 1
29 or, as applicable, adopted by the commission pursuant to paragraph
30 (2) of subdivision (b) subdivision (c) of Section 3.

31 (b) District boundaries shall be defined so as to not omit any
32 area of the State from a district and to comply with the requirement
33 that districts be contiguous and reasonably equal in population
34 under the "one person, one vote" principle of the United States
35 Constitution.

36 Eighth—The provisions of this act are severable. If any provision
37 of this act or its application is held invalid, that invalidity shall
38 not affect other provisions or applications that can be given effect
39 without the invalid provision or application.

1 ~~Third—~~

2 *Ninth*—That in the event that this measure and another measure
3 ~~or measures relating to the redistricting of Senate, Assembly,~~
4 ~~congressional, or State Board of Equalization districts are approved~~
5 *or measures relating to term limits, redistricting, or campaign*
6 *contributions during the budget process are approved* by a majority
7 of the voters voting on those measures at the same election, and
8 this measure receives a greater number of affirmative votes than
9 the other measure or measures, this measure shall control in its
10 entirety and the other measure or measures shall be rendered void
11 and without any legal effect. If this measure is approved by a
12 majority of the voters but does not receive a greater number of
13 affirmative votes than the other measure or measures, this measure
14 shall take effect to the extent permitted by law.

O